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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,942	07/24/2003	Matthew Banet	0307091.0166	9891

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EXAMINER

ISSING, GREGORY C

ART UNIT PAPER NUMBER

3662

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,942

Applicant(s)

BANET ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55, 59 and 60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-35, 40-55, 59 and 60 is/are allowed.
- 6) ☒ Claim(s) 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20051227.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-35, 40-55, 59 and 60 are allowed in light of the amendments and arguments thereto.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Namaky et al (2003/0004623) is directed to an OBD device which selects between plural vehicle communication protocols on the basis of the results each provides.

3. Claims 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unnold (2004/0196182) 102 in view of Bouliane (CA 2,133,673).

4. Unnold disclose an intelligent mobile management device including an internal battery 106 having a solar cell 104, a GPS module 108, a satellite transmitter 110, a terrestrial transmitter 112, and a processor 114. The rechargeable battery provides adequate power to supply all of the above noted equipment and since the solar cells provide continuous charging there is no need to replace under normal circumstances. Though Unnold discloses using both a terrestrial and satellite transmitter, the selection based on coverage is not specified.

5. Bouliane disclose a vehicle signal transmission system including a GPS module, a first wireless transmitter 52/53 operating on a terrestrial network, a second wireless transmitter 54/55 operating on a satellite network, (a third wireless transmitter 24a), and a system controller 49 coupled via a system data bus 42 to a plurality of system components that selects, based on coverage range, the first or second transmitter to communicate position and alarm conditions from the mobile vehicle to a remote central base station.

6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Unnold by incorporating the microprocessor control to selectively switch the transmitter on the basis of the coverage associated therewith in view of the teachings of Bouliane so as to provide a world-wide capability of communication using both terrestrial and satellite communication networks.

Unnold discloses the integral nature of the positioning and communicating devices [0016] wherein the modules are inseparable and affixed to each other. Additionally, it is known that a "chipset" may be defined as "a group of integrated circuits ("chips") that are designed to work together, and are usually marketed as a single product" see the definition of "chipset" from Wikipedia. Thus, the arrangement of


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Unnold meets the scope of the claims. Additionally, Curatolo et al provide a further teaching of the conventionality of combining GPS and communication chipsets on a single chipset, see [0092]-[0095].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (571)-272-6973. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory C. Issing
Primary Examiner
Art Unit 3662

gci